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10/042,871 01/08/2002 Charles O. Johnson	JONC118509	5200
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26389 7590 11/24/2004	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC	BAXTER, GWENDOLYN WRENN	
1420 FIFTH AVENUE	ART UNIT	PAPER NUMBER
SUITE 2800 SEATTLE, WA 98101-2347	3632	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	10/042,871	JOHNSON, CHARLES O.	
	Examiner	Art Unit	
·	Gwendolyn Baxter	3632	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply of NO period for reply is specified above, the maximum statutory period was reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	i6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).	
Status			
1)⊠ Responsive to communication(s) filed on 23 Ju	ly 2004.		
2a) ☑ This action is FINAL . 2b) ☐ This	action is non-final.		
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is			
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	i3 O.G. 213.	
Disposition of Claims			
4)⊠ Claim(s) <u>1,7-12 and 21-33</u> is/are pending in the 4a) Of the above claim(s) is/are withdraw	* *	÷	
5)⊠ Claim(s) <u>1,7-12 and 33</u> is/are allowed.			
6)⊠ Claim(s) <u>21-32</u> is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) are subject to restriction and/or	election requirement.		
Application Papers			
9)☐ The specification is objected to by the Examine	r.	:	
10) The drawing(s) filed on is/are: a) acce	epted or b) \square objected to by the E	Examiner.	
Applicant may not request that any objection to the o	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the correcti	-	* *	
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.	
Priority under 35 U.S.C. § 119			
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents		-(d) or (f).	
The second are production of the production of t		an Na	
2. Certified copies of the priority documents3. Copies of the certified copies of the prior			
application from the International Bureau	·	d III tilis National Stage	
* See the attached detailed Office action for a list of		d.	
	,		
Attachment(s)			
1) Notice of References Cited (PTO-892)	4) Interview Summary		
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal Pa	ite atent Application (PTO-152)	
Paper No(s)/Mail Date	6) Other:	,	

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This is the fourth office action for serial number 10/042,871, Cantilevered Structural Support, filed on January 8, 2002.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 22, 24, 25, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,952,528 to Donkersloot, hereinafter Donkersloot. The present invention reads on Donkersloot as follows: Donkersloot discloses a cantilevered structural support comprising a counterbalance (35) and elongate support member (21). The elongated support member has a secured portion that is attached to the counterbalance and a cantilevered portion extends outward from the counterbalance. The elongate support member is configured to extend underneath and support a freestanding structure having a footprint area. When one or more cantilevered structural supports are used to support the structure, the cantilevered portion of the one or more structural supports is configured to support 40% or more of the footprint area of the structure. Furthermore, the cantilevered structural support comprises a plate (38) embedded in the counter balance. The elongate support is secured to the plate to attach the support member to the counterbalance. A weld (column 2, lines 51+) is used to secure the support member to the plate. The counterbalance is formed of concrete (col. 2, line 49). The elongate support member is a beam.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 26 and 32 are rejected under 35 U.S.C. 103(a) as being anticipated by Donkersloot in view of U.S. Patent No. 6,449,791 to Vodicka, hereinafter Vodicka.

Donkersloot teaches a beam being formed of steel; however, this beam is not an I-beam.

Vodicka teaches a cantilevered beam being formed from I-beams. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the elongated support member as taught by Donkersloot to have incorporated the dock being formed by a I-beam for the purpose of supporting a free standing article thereupon.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donkersloot. Donkersloot teaches the limitations of the base claim, excluding the beam being formed of wood or concrete. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the beam from wood or concrete, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claims 1, 7-12 and 33 are allowed.

Claims 23 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the head studs embedded in the counterbalance are attached to the plate to secure the plate to the counterbalance.

Response to Arguments

Applicant's arguments with respect to claims 21-33 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gwendolyn Baxter Primary Examiner

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November 10, 2004